

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FIDELIS OMEGBU,

Plaintiff,

Case No. 05-C-596

-vs-

MILWAUKEE COUNTY, et al.,

Defendants.

DECISION AND ORDER

The Court is confronted with a barrage of motions filed by the *pro se* plaintiff, Fidelis Omegbu (“Omegbu”). For the reasons that follow, all of Mr. Omegbu’s motions lack merit and are denied.

In a series of interrelated motions, Omegbu asks for sanctions, including the entry of default judgment, for the defendants’ failure to respond to discovery requests or appear at depositions. (Docket Nos. 78, 79, 80, 81, 82). It is painfully obvious that Mr. Omegbu, despite his averments to the contrary, failed to make a good faith effort to resolve these discovery issues prior to seeking court intervention. *See* Fed. R. Civ. P. 37(d); Civil L.R. 37.1. Default judgment is not justified in any event, especially since the defendants are trying to comply with Mr. Omegbu’s voluminous discovery requests and deposition notices. (Docket No. 101).

Mr. Omegbu also moves for declaratory judgment. (Docket No. 88). Essentially, Omegbu asks the Court to enter judgment in his favor, but he gives the Court no basis for

doing so. Rather, he states that the allegations in paragraph 29 of his complaint (and amended complaint) are proven true by the Deposition of Thomas Ament.¹ Omegbu provides no further explanation. The Court will not sift through a deposition transcript to find justification for Omegbu's allegations.

Finally, Omegbu moves for an order requiring that the Milwaukee County Circuit Court supply the record of a separate action he filed in state court. (Docket No. 99). Omegbu attempted to remove his state action to federal court (Docket No. 85), but that attempt was unsuccessful because the "privilege of removal extends only to *defendants*, and not to *plaintiffs*." *McCane v. McCane*, 47 F. Supp. 2d 848, 851 (E.D. Mich. 1999) (emphasis in original) (citing 28 U.S.C. § 1441(a); 28 U.S.C. § 1446). Put simply, plaintiff cannot remove his own lawsuit from state to federal court.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT all of Mr. Omegbu's pending motions [Docket Nos. 78, 79, 80, 81, 82, 88, and 99] are **DENIED**.

Dated at Milwaukee, Wisconsin, this 30th day of July, 2007.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge

¹ Omegbu filed a transcript of Ament's deposition with the Court. (Docket No. 74).